



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

ICR/SKW/EHS
F. #2022R00326

*271 Cadman Plaza East
Brooklyn, New York 11201*

November 30, 2022

By Email and ECF

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Federal Defenders of New York
One Pierrepont Plaza, 16th Floor
Brooklyn, New York 11201

Re: United States v. Frank James
Criminal Docket No. 22-214 (WFK)

Dear Counsel:

Enclosed please find the government's supplemental discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The discovery is being produced pursuant to the Protective Order entered by the Court on July 15, 2022. The government again requests reciprocal discovery from the defendant.

I. The Government's Discovery

A. Documents and Tangible Objects

Bates Numbers	Description
FJ_0015424 – FJ_0015467; FJ_0015554 – FJ_0015566	Photographs and x-rays taken by the New York City Police Department (“NYPD”) Bomb Squad.
FJ_0015402 – FJ_0015416	Federal Bureau of Investigation (“FBI”) Reports from an interview of an MTA employee marked Sensitive Discovery Material .
FJ_0015468 – FJ_0015549; FJ_0015567 – FJ_0015576	Search warrant affidavits for the defendant's social media, email, and other accounts signed by the Honorable Ramon E. Reyes, Jr. on November 1, 2022 (22-MJ-1170) and November 7, 2022 (22-MJ-1201).
FJ_0015550 – FJ_0015551	Two videos taken on April 12, 2022 by one of the victims in the case, marked Sensitive Discovery Material .

FJ_0015577 – FJ_0015578	A video and a photographs taken on April 12, 2022 by one of the victims in the case, marked Sensitive Discovery Material.
FJ_0015552	Search warrant returns from Mail.com.
FJ_0015550	An extraction of the defendant’s Alcatel cellular phone. This production replaces the production of data from the Alcatel phone that was previously produced under Bates number FJ_0011394 and which inadvertently omitted a report of data extracted from the Alcatel phone.
FJ_0015582 – FJ_0015770	The defendant’s medical records from the Metropolitan Detention Center.
FJ_0015771 – FJ_0015775	Photographs taken on April 12, 2022 by one of the victims in the case.
FJ_0016138	Search warrants returns from Apple.
FJ_0016156	Search warrant returns from Yahoo, Inc.

As noted previously, you may examine any physical evidence discoverable under Rule 16, including original documents, by contacting me to arrange a mutually convenient time.

B. Reports of Examinations and Tests

Bates Numbers	Description
FJ_0015417 – FJ_0015423; FJ_0015579 – FJ_0015581; FJ_0015776 – FJ_0016137	Full FBI Laboratory reports, case files, and resumes of the experts associated with the laboratory reports previously produced and Bates-stamped FJ_0002616 - FJ_0002826; FJ_0008212; FJ_0014719 - FJ_0015324. FJ_0015776 – FJ_0016137 is a new report.
FJ_0016139 – FJ_0016155	NYPD Lab Firearms Analysis Unit full discovery packets associated with the laboratory repots previously produced and Bates-stamped FJ_0005486 – FJ_0005615.

The government will provide you with copies of additional reports of examinations or tests in this case as they become available.

C. Brady Material

While not exculpatory pursuant to Brady v. Maryland, 373 U.S. 83 (1963), in an abundance of caution, the government is disclosing that after locating items on the N train subway car and platform in the name of “Frank James,” including the defendant’s credit cards in the name of “Frank James,” the government began investigating at least one other individual who shared the named “Frank James” before reviewing records confirming that the defendant is the “Frank James” whose personally identifiable information was found on the subway car and platform.

The government is not aware of any exculpatory material regarding the defendant. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady, and its progeny.

Very truly yours,

BREON PEACE
United States Attorney

By: /s/
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Ellen H. Sise
Assistant U.S. Attorneys
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Enclosures

cc: Clerk of the Court (WFK) (by ECF) (without enclosures)